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In re Application of
HERSCOVICS, et al.
Application No.: 10/019,467
PCT No.: PCT/CA00/00775
Int. Filing Date: 28 June 2000
Priority Date: 29 June 1999
Attorney Docket No.: 701826-052310
For: HUMAN ALPHA 1,2-MANNOSIDASE

COMMUNICATION

The above-identified application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 28 June 2000, applicant filed international application PCT/CA00/00775, which claimed priority of an earlier application filed 29 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 February 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2001.

On 28 December 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First preliminary Amendment. An oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed. Applicant prepaid the \$130.00 surcharge for providing an oath or declaration later than thirty months from the priority date.

On 12 February 2002, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.


DISCUSSION

An examination of the file finds the original NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) contained therein. It was apparently accidentally mailed to an address other than the correspondence address for the present application and returned. As such it is proper to mail applicants a new NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) for this application.

CONCLUSION

The NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 12 February 2002 is hereby **VACATED**.

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the mailing of a new NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905).



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